

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

WSOU INVESTMENTS, LLC D/B/A  
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Nos. 6:20-cv-00725-ADA  
6:20-cv-00726-ADA  
6:20-cv-00727-ADA  
6:20-cv-00728-ADA

**JURY TRIAL DEMANDED**

**BRAZOS’S MOTION REQUESTING LEAVE TO FILE  
ITS REPLY CLAIM CONSTRUCTION BRIEF IN EXCESS OF 15 PAGES**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”), hereby moves for leave to file its Reply Claim Construction Brief in the above-captioned cases with up to 21 pages, which is 6 pages in excess of the 15 pages permitted under the Court’s Order Governing Proceedings – Patent Case.<sup>1</sup> Defendant Hewlett Packard Enterprise Company (“HPE”), through counsel, has indicated that it does not oppose this motion.

Across the four patents asserted in the above-captioned cases directed to networking technologies, HPE argues in favor of construing or finding indefinite 11 terms.<sup>2</sup> For all but one of these terms, Brazos has submitted that they should have their “plain and ordinary meanings”

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<sup>1</sup> The parties agreed and the Court approved, to file combined claim construction briefs that addresses the disputed terms of the patents at-issue in each of the four above-captioned cases. Because these briefs address the disputed terms four patents, the Court’s Order Governing Proceedings – Patent Case provides that opening and response claim construction briefs may be up to 30 pages and reply and sur-reply claim construction briefs may be up to 15 pages.

<sup>2</sup> Brazos’s opening claim construction brief addressed the constructions of eleven disputed terms, but HPE has subsequently agreed with Brazos’s proposed construction of one of those terms. The parties may be able to reach additional agreements in advance of the deadline to submit the Joint Claim Construction Statement.

and do not need to be construed. Because the alleged reasons for HPE's proposed constructions were not apparent until HPE filed its responsive brief, Brazos opening claim construction brief, which was only 23 pages (7 pages fewer than the 30 pages permitted by the Court's Order Governing Proceedings – patent cases), did not address each of the arguments now raised by HPE in its response claim construction brief.

Accordingly, given the complex nature of the technology at-issue, the number of patents, and the number of terms at-issue, and in order to address each of the arguments asserted by HPE in its responsive claim construction brief, Brazos respectfully requests leave to file a reply claim construction brief of up to 21 pages in length in order to adequately address the issues. Because Brazos used 7 fewer pages for its opening claim construction brief than permitted by the Court's Order Governing Proceedings – Patent Case, this increase of up to 6 pages for Brazos's reply claim construction brief will not result in any net addition of pages and will not unduly burden the Court. A proposed order is attached.

Dated: April 8, 2021

Respectfully submitted,

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